

*Via ECF*

---

Hon. Sarah L. Cave  
United States Magistrate Judge  
United States District Court-SDNY  
500 Pearl Street, Courtroom 18A  
New York, NY 10007

Re: Sydney Hyman v. Andrew Fabbri and Jessica Cohen  
Case No. 19-civ. 10506 (AT)  
COVID-19 (Delta Variant) Diagnosis / Extension Request

August 11, 2021

Dear Honorable Cave:

This firm represents the Defendants, Andrew Fabbri and Jessica Cohen (“the Defendants”), in the above-referenced matter.

I am writing to inform the Court that, on or about Friday, August 6, 2021—after suffering from symptoms (but being fully vaccinated)—I tested positive for the COVID-19 (Delta Variant).<sup>1</sup> As I have a family at home and an office aside from it, I was forced to leave my residence and quarantine at a friend’s vacant apartment on the Upper West Side of Manhattan for at least two (2) weeks.

I am unable to leave the premises, which necessarily means being unable to go to my office. Beyond that, however, I am in a state of exhaustion that has yet to significantly abate; and has prevented me from performing any significant work. In light of my condition and circumstances, I am writing to seek the Court’s Consent to a final extension request for discovery in this matter.

The date for expert witness designations in this matter is August 16, 2021. While I had several meetings scheduled with potential expert witnesses, the combination of dislocation stress; being away from my office; and being under-the-weather has rendered meeting with these experts – even remotely – uncertain if not impossible. Indeed, the fatigue with which I am suffering has rendered it nearly impossible to work.

On or about August 10, 2021, my office reached out to Plaintiff’s Counsel to seek consent in adjourning upcoming deadlines. Plaintiff’s Counsel agreed to a one-week extension (expert witness disclosures due August 23, 2021; expert depositions by September 7, 2021). Plaintiff’s Counsel prefaced this extension upon Your Honor’s consent, and it not altering the remaining deadlines.

It is not only widely known that COVID-19 requires two (2) weeks of quarantine

---

<sup>1</sup> Understanding that the Court denied the Defendants’ recent extension request, the undersigned will provide a copy of the positive COVID-19 test result to the Court if requested.

before a sufferer is deemed no risk to others, but in my specific case will without question prevent me from returning to my home and work life before the expiration of (at least) that period of time. Given such, it is respectfully requested that the Court extend the deadlines by those two (2) weeks, or until August 30, 2021 (expert witness disclosures); September 16, 2021 (expert witness depositions); September 30, 2021 (joint status letter); and October 8, 2021 (case management conference).

I thank you for your kind attention to this matter.

Respectfully Submitted,

/s/ Murad Michael Khan

Murad Michael Khan, Esq.  
Khan Johnson LLC  
413 W 14<sup>th</sup> Street  
2<sup>nd</sup> Floor  
New York, NY 10014  
202-810-2399  
[mkhan@khanjohnson.com](mailto:mkhan@khanjohnson.com)  
Attorneys for the Defendants

cc. Kevin Harrington  
Michael Freudenberg  
Attorneys for the Plaintiff

Defendants' requested extension (ECF No. 102) is GRANTED IN PART as follows:

1. Expert discovery shall be completed by **September 16, 2021**;
  - a. Expert disclosures shall be served by **August 30, 2021**;
  - b. Expert depositions shall be completed by **September 16, 2021**;
2. The case management conference before Judge Torres scheduled for September 23, 2021 is ADJOURNED to **Wednesday, October 6, 2021 at 10:00 am**. The parties shall file their joint status letter (see ECF No. 61 at 3) by **September 29, 2021**.

The Clerk of Court is respectfully directed to close ECF No. 102.

SO ORDERED 8/12/2021



SARAH L. CAVE  
United States Magistrate Judge